

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, OCTOBER 28, 2014 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia M. Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Frain.

President Frain moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Frain.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **MAPLEWOOD PLAZA, a)** for an Amendment to the City's Future Land Use Map within the general plan, *planorfolk2030*, from Single Family Urban to Commercial; **b)** for a change of zoning from R-8 (Single-Family) and C-1 (Limited Commercial) Districts to Conditional C-2 (Corridor Commercial) District and **c)** for a Special Exception for Mixed Uses on property located at **1402 – 1446 Church Street** and **709 – 713 Washington Avenue**.

Bobby Howerin, the contractor, 1046 N. Lexan Crescent, was present to answer questions.

Thereupon, An Ordinance entitled, "An Ordinance to amend the City's General Plan, *planorfolk2030*, **SO AS TO** change the land use designation for properties located at **1402 to 1446 Church Street and 709 to 713 Washington Avenue** from single family Urban to Commercial," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-1A

An Ordinance entitled, "An Ordinance to rezone properties located at **1402 to 1446 Church Street and 709 to 713 Washington Avenue** from R-8 (Single Family) and C-1 (Limited Commercial) Districts to Conditional C-2 (Corridor Commercial) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2A

An Ordinance entitled, "An Ordinance granting a **Special Exception** to Permit Mixed Uses on properties located at **1402 To 1446 Church Street and 709 to 713 Washington Avenue**.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **CHAR-MAR TRUCKING, INC.**, a) for an Amendment to the City's Future Land Use Map within the general plan, *planorfolk2030*, from Single Family Traditional to Industrial and b) for a change of zoning from R-11 (Moderate Density Multi-Family) District and RCO (Residential Compatibility Overlay) District to Conditional I-1 (Limited Industrial) District on property located at **1250 East Brambleton Avenue and 708 Cecelia Street**.

Karen Basanta, the applicant, 716 Cecelia Street, was present to answer questions.

Thereupon, An Ordinance entitled, "An Ordinance to amend the **City's General Plan** *Planorfolk2030*, **SO AS TO** change the land use designation for properties located at **1250 East Brambleton Avenue And 708 Cecelia Street** from Single Family Traditional to Industrial," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2A

An Ordinance entitled, "An Ordinance to rezone properties located at **1250 East Brambleton Avenue and 708 Cecelia Street** from R-11 (Multi-Family Residential) District and RCO (Residential Compatibility Overlay) District to Conditional I-1 (Limited Industrial) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **CITY PLANNING COMMISSION**, for a text amendment to the City's *Zoning Ordinance* to amend Section 2-3, "Definitions," Table 6-A, "Table of Land Uses" for Commercial Districts, Table 7-A, "Table of Land Uses" for Industrial Districts, Table 10-A, "Table of Land Uses" for Special Purpose Districts, and Chapter 25, "**Special Exceptions**" to expand opportunities and amend criteria for Kennels.

Thereupon, An Ordinance entitled, "An Ordinance to amend **Section 2-3, Tables 6-A, 7-A, And 10-A**, and **Section 25-10** of the **Zoning Ordinance of the City of Norfolk, 1992, SO AS TO** allow "**Kennel**" as a **Special Exception** use in the C-2 (Corridor Commercial) and C-3 (Retail Center Commercial) Districts," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **LITTLE CREEK MARKETPLACE**, a) for a text amendment to the City's *Zoning Ordinance* to create the "Little Creek Marketplace Localized Alternative Sign Overlay" (Little Creek Marketplace-LASO) District and b) for a change of zoning to adopt the Little Creek Marketplace-LASO (Little Creek Marketplace Localized Alternative Sign Overlay) District on property located at **7862, 7530, and 7540 Tidewater Drive, 741 E. Little Creek Road, and 7643 Sewells Point Road.**

Rob Beaman, the attorney, 40112 Jean Shackelford Drive, Chesapeake, was present to answer questions.

Thereupon, An Ordinance entitled, "An Ordinance to amend chapter 11 of the **Zoning Ordinance of the City of Norfolk, 1992, SO AS TO** create the **Little Creek Marketplace Localized Alternative Sign Overlay District,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4A

An Ordinance entitled, "An Ordinance to apply the **Little Creek Marketplace Localized Alternative Sign Overlay District** to properties located at **7862, 7530, 7540 Tidewater Drive, 741 East Little Creek Road and 7643 Sewells Point Road,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **CROSS FIT 757**, for a change of zoning from I-3 (General Industrial) District to Conditional I-1 (Limited Industrial) District on property located at **1081 35th Street**.

John Weiss, 1429 Chickadee Lane, and Tom Sleboda, 520 Viking Drive, both of Virginia Beach, VA, were present to answer questions.

John Small, 2700 Hampton Blvd., was present to support this matter.

Thereupon, An Ordinance entitled, "An Ordinance to rezone property located at **1081 35th Street** from I-3 (**General Industrial**) **District to Conditional I-1 (Limited Industrial) District**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **SIMON PROPERTY GROUP**, for the closing, vacating and discontinuing of a portion of South Cape Henry Avenue from the City of Norfolk and Virginia Beach Corporate Limits.

Randy Royal, 4500 Main Street, Virginia Beach, VA, was present to answer questions.

Thereupon, An Ordinance entitled, "An Ordinance closing, vacating and discontinuing a portion **South Cape Henry** and authorizing the conveyance to the **Economic Development Authority** of the underlying fee of said portion of **South Cape Henry Avenue**, subject to the reservation of a utility and drainage easement," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

REGULAR AGENDA

R-1

Matter of a letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as 'Fifty Eighteen' on property located at **5018 East Princess Anne Road,**" was introduced in writing and read by its title.

(Passed by at the Meetings of September 9 and October 14, 2014)

John Scott, Fox Hall Civic League, 5026 East Princess Anne Road, spoke in opposition to this matter.

The following proponents spoke in support of this matter:

Damain Wright, the applicant, 5573 Brickel Road, Diane Talley, owner of the Floral Shop next to Fifty Eighteen, 3021 Providence Road, Suffolk, VA, Gabriel Rapisardi, the land lord, 304 Twilley Street, Haywood Cuffee, 3123 Oklahoma Avenue, and William Johnson, Car Wash owner across from the business, 1532 McNeal Avenue.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: Riddick.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance to reordain **Section 29-68 of the Code of the City of Norfolk, Virginia, 1979 SO AS TO** authorize a permit process and standards of review for special events held on private property on a non-recurring basis which are open to the public and involve either the provision of entertainment or the sale or service of alcoholic beverages to the public," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a right of entry permitting the authorized representatives of the **United States of America** to enter upon certain City owned property located along the shores of the **Chesapeake Bay** in furtherance of a project for the construction, periodic re-nourishment and maintenance of the property,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, asked Council who were the representatives from the United States of America, Council stated that it was a sand replishment project.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Pedestrian Commercial Overlay District (PCO) Development Certificate** to permit the construction of an outdoor dining structure and to modify an existing freestanding sign at **4117 Granby Street, Suite A,**” was introduced in writing and read by its title.

Alan Baesen, 4117 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the acceptance of a **Grant Award** of \$7,500.00 from the **Hampton Roads Realtors Association's Smart Growth Program** for the **City's Better Block Program** and appropriating and authorizing the expenditure of the grant funds," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the conveyance to the City of Norfolk by **Norfolk Redevelopment and Housing Authority** a certain parcel of property that is currently part of the **Huntersville II Redevelopment Project**, located at the northeast intersection of **Church Street and Johnson Avenue**, and authorizing the City Manager to accept the **Deed** on behalf of the City," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the purchase from **Eleanor Williams-Brown** of certain property located at **1414 Church Street in the City of Norfolk** for the sum of \$12,000.00 and authorizing the expenditure of a sum of \$12,000.00 to pay the purchase price," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance adopting a **First Amendment to Land Disposition and Development Contract** to correct the legal description contained in that certain land disposition and development contract with **Howerin Construction Corp.** for real property located on Church Street between **Washington Avenue and Johnson Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Bon Secours – DePaul Medical Center, Inc.** to encroach into **Kingsley Lane at 155 Kingsley Lane** with a monument sign," was introduced in writing and read by its title.

Larry Barry, Civil Engineer, 1216 Egret Point, Virginia Beach, VA, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Manager and a Resolution entitled, A Resolution supporting the **Elizabeth River Trail Phase IVC/V Project**, and requesting funding for such project in the amount of \$440,000.00 through the **FY2016 Virginia Department of Transportation, Transportation Alternatives Program**, was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

ACTION: The Resolution as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, "An Ordinance requesting the **Virginia Department of Transportation** to establish projects for **Terminal Boulevard Pavement Rehabilitation** and **Citywide Arterial ADA Ramp Improvements** in accordance with the **Programmatic Project Administration Agreement** between the **City of Norfolk** and the **Virginia Department of Transportation**; and appropriating and authorizing the expenditure of the total sum of \$4,500,000.00 for these projects, subject to and in accordance with the terms and conditions of the **Aforesaid Agreement**," was introduced in writing and read by its title.

Joe Cook, 1147 Surry Crescent, expressed his concerns about the coal dust coming from Norfolk and Southern Railroads and invited Council to a meeting being held on November 6th, in the Lambert's Point community.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-12

Letter from the City Attorney and an Ordinance entitled, "An Ordinance granting **St. James African Methodist Episcopal Church** relief from **Real Estate Taxes** on a parcel of real property located at **501 Dinwiddie Street** for the **Tax Year July 1, 2013 through June 30, 2014**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain the **City’s Operating Budget** for Fiscal Year 2015 to add \$3,882,500 to the Budget, to amend and reordain **Sections 1 and 6 of Ordinance No. 45,563 (Operating Budget Ordinance for Fiscal Year 2015) SO AS TO** appropriate and authorize the expenditure of funds in the additional amount of \$400,000 for Department of Police, \$100,000 for Outside Agencies, \$500,000 for Human Services, \$500,000 for Department of Public Works, \$750,000 for Recreation, Parks and Open Space (RPOS) and 1,632,500 for Norfolk Public Schools and to appropriate and reserve \$1,000,000 for the Risk Management Reserve and \$1,000,000 for the Economic downturn and leveling reserve,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Section 6.1-7 (a) of the Code of the City of Norfolk, Virginia, 1979, SO AS TO** reduce the minimum lot size and setback requirements for properties which may be eligible to apply for a permit for the keeping of chickens and to increase the maximum number of chickens,” was introduced in writing and read by its title.

Kalaine Smith, 9438 Willow Terrace, let Council know how excited she was about the recent changes and inquired about the permit fees.

ACTION: The Ordinance as introduced was **adopted**, effective October 28, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.